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Atty. Dkt. No. 036481-0109

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: William F. SWAIN ET AL.

Title: DNA-VACCINES BASED ON CONSTRUCTS DERIVED FROM THE
GENOMES OF HUMAN AND ANIMAL PATHOGENS

Appl. No.: 09/705,149

Filing Date: 11/01/2000

Examiner: Bao Qun Li

Art Unit: 1648

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop RCE
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Michael M. Peet

Reg No. 34,717

Date *Dec 2, 2003*

By _____

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for

Richard C. Peet
Attorney for Applicant
Registration No. 35,792



Substitute for form 1449B/PTO TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: December 2, 2003 (use as many sheets as necessary)		Complete if Known	
		Application Number	09/705,149
Sheet	1	Filing Date	11/01/2000
	of	First Named Inventor	William F. SWAIN
	3	Group Art Unit	1648
		Examiner Name	LI, Bao Q
		Attorney Docket Number	036481-0109

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U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	4,629,782		Chan et al.	12/16/1986	
	A2	4,980,286		Morgan et al.	12/25/1990	
	A3	4,981,782		Judd et al.	01/01/1991	
	A4	5,036,006		Sanford et al.	07/30/1991	
	A5	5,091,188		Haynes	02/25/1992	
	A6	5,179,022		Sanford et al.	01/12/1993	
	A7	5,219,740		Miller et al.	06/15/1993	
	A8	5,371,015		Sanford et al.	12/06/1994	
	A9	5,478,744		Sanford et al.	12/26/1995	
	A10	5,658,892		Flotte et al.	08/19/1997	
	A11	5,738,652		Boyd et al.	04/14/1998	
	A12	5,899,880		Bellhouse et al.	05/4/1999	
	A13	6,004,286		Bellhouse et al.	12/21/1999	
	A14	6,010,478		Bellhouse et al.	01/04/2000	
	A15	6,013,050		Bellhouse et al.	01/11/2000	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A16	PCT	WO 89/05349			06/15/1989		
	A17	PCT	WO 90/01949			03/08/1990		
	A18	PCT	WO 91/00359			01/10/1991		
	A19	PCT	WO 91/07487			05/30/1991		
	A20	PCT	WO 93/19183			09/30/1993		
	A21	PCT	WO 94/09819			05/11/1994		
	A22	PCT	WO 94/21797			09/29/1994		
	A23	PCT	WO 95/19799			07/27/1995		
	A24	PCT	WO 95/20660			08/03/1995		
	A25	PCT	WO 96/04947			02/22/1996		
	A26	PCT	WO 96/12513			05/02/1996		
	A27	PCT	WO 97/32987			09/12/1997		
	A28	PCT	WO 97/40163			10/30/1997		
	A29	PCT	WO 98/46263			10/22/1998		
	A30	PCT	WO99/31262			06/24/1999		
	A31	PCT	WO 99/43842			09/02/1999		
	A32	EP	EP0213894A3			03/11/1987		
	A33	EP	EP0390435A			10/03/1990		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PATENT & TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: December 2, 2003 (use as many sheets as necessary)		Complete if Known	
		Application Number	09/705,149
		Filing Date	11/01/2000
		First Named Inventor	William F. SWAIN
		Group Art Unit	1648
		Examiner Name	LI, Bao Q
		Attorney Docket Number	036481-0109

Sheet 2 of 3

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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	A34	"Remington's Pharmaceutical Sciences (1980) Mark Publishing Company, Pennsylvania, pp. 1483-1484	
	A35	TOWNSEND et al. (1984) Cell 39: pp. 13-25	
	A36	TOWNSEND et al. (1985) Prog. Allergy 36: pp. 10-43	
	A37	SANFORD et al. (1987) Particulate Science and Technology 5: pp. 27-37	
	A38	KLEIN et al (1987) Nature 327: pp. 70-73	
	A39	TANG et al. (1988) J. Virology 62:4745-4751	
	A40	ZELENIN et al. (1989) FEBS Letters 244: pp. 65-67	
	A41	MILICH (1989) Advances in immunology 45: pp. 195-282	
	A42	S.A. JOHNSTON (1990) "Biolistic transformation: microbes to mice," Nature 346: pp. 776-777	
	A43	POZNANSKY et al. (1991) J. Virology 65: pp. 532-536	
	A44	HAYNES et al. (1991) Molecular Immunology 28: pp. 231-234	
	A45	RHIM et al. (1991) J. Virology 65: pp. 4555-4564	

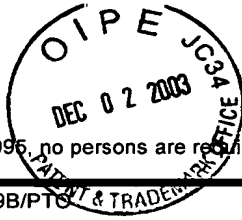
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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A46	ROUSSEAUX-PREVOST et al. (1991) Molecular Immunology <u>28</u> : pp. 943-949	
	A47	SEDEGAH et al. (1994) Proc. Natl. Acad. Sci. USA <u>91</u> : pp. 9866-9870	
	A48	FYNAN et al. (1995) Int. J. Immunopharmac. <u>17</u> : pp. 79-83	
	A49	SARPHIE et al. (1997) J. Controlled Release <u>47</u> : pp. 61-69	
	A50	SUTER et al. (1999) Proc. Natl. Acad. Sci. USA <u>96</u> : pp. 12697-12702	
	A51	RIPPIE, E.G., Ph.D. (1980) Pharmaceutical Sciences, Marck Publishing Company, Pennsylvania, pp. 1535-1552	

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